

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RICHARD LYNN MCCOY, JR.,)
Plaintiff,)
v.) No. 4:22-CV-114 JAR
UNKNOWN PREE, et al.,)
Defendants.)

MEMORANDUM AND ORDER

Before the Court is defendants' motion to dismiss plaintiff's complaint and their memorandum in support [ECF Nos. 25 and 26], brought pursuant to Federal Rule of Civil Procedure 12(b)(6), filed on September 15, 2022. To date, plaintiff has failed to file a response to the motion to dismiss. As it does not appear that the motion and memorandum in support were properly served on plaintiff, the Court will order the Clerk to provide plaintiff with a copy of the motion and memorandum in support.¹ Furthermore, the Court will require plaintiff to file a response to defendants' motion to dismiss no later than twenty-one (21) days from the date of this Order.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall provide plaintiff a copy of defendants' motion to dismiss and memorandum in support of the motion to dismiss [ECF Nos. 25 and 26].

¹The Court takes judicial notice that the certificates of service on the motion to dismiss and memorandum in support of the motion to dismiss filed by defendants indicates that the documents were sent to plaintiff at his prior address at Jefferson City Correctional Center. Plaintiff is currently located at Farmington Correctional Center. He filed a change of address form with the Court on September 9, 2022. [ECF No. 23].

IT IS FURTHER ORDERED that plaintiff shall file a response to defendants' motion to dismiss plaintiff's complaint and memorandum in support **no later than twenty-one (21) days from the date of this Order.**

IT IS FURTHER ORDERED that plaintiff's failure to file a response brief may result in a dismissal of this action, without prejudice.

IT IS FURTHER ORDERED that defendants shall update the address at which service on plaintiff may be effectuated in this action.

Dated this 29th day of September, 2022.


JOHN A. ROSS
UNITED STATES DISTRICT JUDGE